

MANDATE

04-10386
USDC/MA-BG
Wolf, M.

**UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT**

No. 07-1612
DC No. 04-cv-10386

GRAYLING DAVIS
Petitioner - Appellant

v.

BERNARD BRADY, Superintendent, Old Colony Correctional Center
Respondent - Appellee

JUDGMENT

ENTERED: September 28, 2007
Pursuant to 1st Cir. R. 27.0(d)

On June 15, 2007, July 26, 2007 and August 23, 2007, this court issued order noting that the District Court of Massachusetts had denied appellant's request to proceed on appeal in forma pauperis. The order also directed the appellant to either pay the filing fees of \$455.00 to the district court, or to file a motion and compliant financial affidavit for in forma pauperis status. Appellant was notified that failure to take any action would result in this appeal being dismissed in accordance with Local Rule 3.0(b).

A review of the district court docket does not reflect the payment of the filing fees, the filing of a compliant request for in forma pauperis status, nor did the appellant respond to this court in writing regarding the outstanding fee issue. This appeal, therefore, is dismissed for lack of prosecution in accordance with Local Rule 3.0(b).

By the Court:

Richard Cushing Donovan, Clerk

MARGARET CARTER

By: _____
Chief Deputy Clerk

[cc: Messrs. Davis, Smulow, Ms. McLaughlin]

Certified and Issued as Mandate
under Fed. R. App. P. 41.

Richard Cushing Donovan, Clerk

Deputy Clerk

Date: 10/22/07